

Application No.: 09/817,123

Docket No.: 21987-00054-US

REMARKS

Claims 1 and 6-15 remain pending in this Divisional Application. Claims 1 and 6 are independent.

Claims 4 and 18-38 were canceled in the Preliminary Amendment, after prosecution in the Parent Application, ser. no. 09/060,106 filed on April 15, 1998.

Claims 2-3, 5, and 16, and 17 were previously withdrawn, as being directed to non-elected inventions, and are now being canceled without prejudice or disclaimer by this Amendment.

Independent claims 1 and 6 have been amended, and no claims have been added by this amendment.

Unpatentability Rejections over Gilboa, Zalewski, and Hikawa et al.

Withdrawal of the rejections of claims 1, 6, 7, 10, 11, and 15 under 35 U.S.C. §103(a) as being unpatentable over Gilboa (US 5,853,327) in view of Zalewski (US 5,991,693) and Hikawa et al. (US 5,526,306) is requested.

At the outset, Applicant notes that, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, *the prior art reference must teach or suggest all the claim limitations*.¹ Further, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.²

At least with respect to independent claims 1 and 6, the applied art fails to teach or suggest all the claimed limitations.

¹ See MPEP §2143.

² *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) and See MPEP §2143.

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For example, the applied art, taken alone or in combination, does not teach or suggest a game apparatus which includes, among other features, "means for notifying the first control device that the received driving electric power has reached a predetermined quantity of electric power...", as recited in independent claim 1, as amended.

Further, the applied art, taken alone or in combination, does not teach or suggest a information communication system which includes, among other features, "...means for providing a notification that the received driving electric power has reached a predetermined quantity of electric power...", as recited in independent claim 6, as amended.

Therefore, since the applied art does not teach or suggest all the limitations claimed in independent claims 1 and 6, reconsideration and allowance of independent claims 1 and 6 are requested.

Further, since dependent claims 7-15 variously and ultimately depend from allowable claim 6, reconsideration and allowance of these dependent claims is also requested, without recourse to the additional patentable features recited therein.

Unpatentability Rejections over Gilboa, Zalewski, Hikawa et al. and Bergeron

Withdrawal of the rejections of claims 8, 9, and 12-14 under 35 U.S.C. §103(a) as being unpatentable over Gilboa (US 5,853,327) in view of Zalewski (US 5,991,693), Hikawa et al. (US 5,526,306), and Bergeron (US 4,764,666) is requested.

The legal standard for unpatentability has been set forth above.

Bergeron fails to Make up for the Deficiencies of Gilboa, Zalewski, and Hikawa et al

Bergeron is offered as teaching a contact terminal for transmitting and receiving information from/to programmable game entry cards used in an on-line wagering system.

Whether or not Bergeron teaches or suggest that for which it is offered by the Examiner, Bergeron does not make up for the previously identified deficiencies of Gilboa, Zalewski, and

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Hikawa et al., at least with respect to independent claim 6, from which dependent claims 8-14 variously and ultimately depend.

Therefore, since the applied art, taken alone or in combination, does not teach or suggest all the claimed limitations, withdrawal of the rejection and allowance of claims 8-14 are requested.

In view of the above, each of the presently pending claims 1 and 6-15 in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Entry of this Amendment after Final is requested, in that it raises no new issues, but merely places the claims in condition for allowance or, in the alternative, places the claims in better condition for appeal.

In the event the Examiner believes that an interview would be helpful in resolving any outstanding issues in this case, the undersigned attorney is available at the telephone number indicated below.

Although no fee is believed to be due, for any fee that is due, please charge CBLH Deposit Account No. 22-0185, under Order No. 21987-00054-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

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